

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To: GLAXOSMITHKLINE Corporate Intellectual Property Attn. Reed, Michael CN925.1 980 Great West Road Brentford, Middlesex TW8 9GS UNITED KINGDOM	GlaxoSmithKline Corporate Received 18 APR 2005	NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION
	ATTY: <i>[Signature]</i> IPM: N/A ATTY CHECKED: <i>[Signature]</i>	(PCT Rule 44.1) Date of mailing (day/month/year) 19/04/2005
Applicant's or agent's file reference MXG/PB60595	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. PCT/EP2004/013248	International filing date (day/month/year) 19/11/2004	
Applicant SMITHKLINE BEECHAM CORPORATION		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Joëlle Gerber
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference MXG/PB60595	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. PCT/EP2004/013248	International filing date (day/month/year) 19/11/2004	(Earliest) Priority Date (day/month/year) 21/11/2003
Applicant SMITHKLINE BEECHAM CORPORATION		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box II).

3. ☐ Unity of invention is lacking (see Box III).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

USE OF (2S, 3S) 2-(3-CHLOROPHENYL)-3,5,5-TRIMETHYL-2-MORPHOLINOL

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

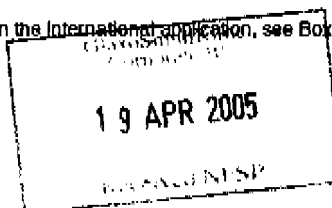
a. the figure of the drawings to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.



INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP2004/013248

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/5375 A61P25/14

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, EMBASE, MEDLINE, SCISEARCH, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2003/064988 A1 (MORGAN PHILLIP FREDERICK ET AL) 3 Apr11 2003 (2003-04-03) paragraph '0006! - paragraph '0010! paragraph '0023!	
A	US 6 337 328 B1 (FANG QUN KEVIN ET AL) 8 January 2002 (2002-01-08) column 4, line 40 - line 63	
A	WO 01/62257 A (SEPRACOR INC) 30 August 2001 (2001-08-30) page 4, line 29 - page 5, line 1 page 7, line 26 - line 31	
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☒ Further documents are listed in the continuation of box C☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Z* document member of the same patent family

Date of the actual completion of the international search

13 Apr11 2005

Date of mailing of the international search report

19/04/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5618 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax (+31-70) 340-3016

Authorized officer

Bonzano, C

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/013248

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 99/37305 A (GLAXO GROUP LIMITED; MORGAN, PHILLIP, FREDERICK; MUSSO, DAVID, LEE; PA) 29 July 1999 (1999-07-29) cited in the application abstract page 2, line 5 - line 14	
Y /	KELLEY JAMES L ET AL: "-2-(3,5-difluorophenyl)-3,5-dimethyl-2-mo rpholinol: A novel antidepressant agent and selective inhibitor of norepinephrine uptake" JOURNAL OF MEDICINAL CHEMISTRY, AMERICAN CHEMICAL SOCIETY, WASHINGTON, US, vol. 39, no. 2, 1996, pages 347-349, XP002164358 ISSN: 0022-2623 page 347, column 2, paragraph 3	1-12
Y	EP 1 336 406 A (SOLVAY PHARM BV 'NL') 20 August 2003 (2003-08-20) paragraph '0013! paragraph '0001!	1-12

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2004/013248**Box II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 10-12 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/013248

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2003064988 A1	03-04-2003	US 2002019396 A1	14-02-2002
		US 6274579 B1	14-08-2001
		US 2003027827 A1	06-02-2003
		US 2003083330 A1	01-05-2003
		US 2003032643 A1	13-02-2003
US 6337328 B1	08-01-2002	US 6342496 B1	29-01-2002
		AU 6926800 A	03-09-2001
		CA 2400482 A1	30-08-2001
		CZ 20022857 A3	14-01-2004
		EP 1259243 A2	27-11-2002
		HU 0300030 A2	28-05-2003
		JP 2003529563 T	07-10-2003
		PL 357389 A1	26-07-2004
		WO 0162257 A2	30-08-2001
		US 2002052341 A1	02-05-2002
		CA 2362361 A1	08-09-2000
		EP 1165086 A2	02-01-2002
		JP 2004513061 T	30-04-2004
		US 2002052340 A1	02-05-2002
		AU 775642 B2	12-08-2004
		AU 3505500 A	21-09-2000
		WO 0051546 A2	08-09-2000
WO 0162257 A	30-08-2001	US 6342496 B1	29-01-2002
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		AU 6926800 A	03-09-2001
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		HU 0300030 A2	28-05-2003
		JP 2004513061 T	30-04-2004
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		PL 357389 A1	26-07-2004
		WO 0162257 A2	30-08-2001
		US 2002052340 A1	02-05-2002
		US 2002052341 A1	02-05-2002
WO 9937305 A	29-07-1999	AP 1229 A	04-12-2003
		AU 755536 B2	12-12-2002
		AU 2328099 A	09-08-1999
		BR 9907203 A	17-10-2000
		CA 2318268 A1	29-07-1999
		CN 1294513 A	09-05-2001
		CN 1528753 A	15-09-2004
		EA 2410 B1	25-04-2002
		EE 200000438 A	17-12-2001
		EP 1047428 A1	02-11-2000
		HR 20000494 A1	31-12-2000
		HU 0100900 A2	29-05-2002
		ID 26334 A	14-12-2000
		JP 2002501025 T	15-01-2002
		NO 20003721 A	19-09-2000
		NZ 505809 A	27-09-2002
		NZ 520349 A	27-02-2004
		NZ 529316 A	28-05-2004

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/013248

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9937305	A	PL 342012 A1	07-05-2001
		SK 10912000 A3	09-04-2001
		TR 200002126 T2	21-12-2000
		WO 9937305 A1	29-07-1999
		US 6274579 B1	14-08-2001
		US 2002019396 A1	14-02-2002
EP 1336406	A	20-08-2003	20-08-2003
		EP 1336406 A1	20-08-2003
		AU 2003208714 A1	04-09-2003
		BR 0306147 A	19-10-2004
		CA 2462688 A1	21-08-2003
		WO 03068207 A2	21-08-2003
		EP 1476148 A2	17-11-2004
		US 2005038015 A1	17-02-2005